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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/661,368	09/12/2003	Anthony Joonkyoo Yun	PALO-001	6690	
24353	7590 05/11/2006		EXAMINER		
BOZICEVIC, FIELD & FRANCIS LLP			GETZOW,	GETZOW, SCOTT M	
SUITE 200	1900 UNIVERSITY AVENUE SUITE 200			PAPER NUMBER	
EAST PALO ALTO, CA 94303			3762		
			DATE MAILED: 05/11/200	6	

Please find below and/or attached an Office communication concerning this application or proceeding.

<u></u>		Application No.	Applicant(s)			
Office Action Summary		10/661,368	YUN ET AL.			
		Examiner	Art Unit			
		Scott M. Getzow	3762			
	The MAILING DATE of this communication app	ears on the cover sheet with the c	orrespondence address			
Period fo	• •	/ IC OFT TO EXPIDE A MONTH	C) OD THIRTY (20) DAVC			
WHIC - Exter after - If NO - Failu Any r	ORTENED STATUTORY PERIOD FOR REPLY CHEVER IS LONGER, FROM THE MAILING DATE as ions of time may be available under the provisions of 37 CFR 1.13 SIX (6) MONTHS from the mailing date of this communication. Period for reply is specified above, the maximum statutory period ver to reply within the set or extended period for reply will, by statute, eply received by the Office later than three months after the mailing and patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tim will apply and will expire SIX (6) MONTHS from a cause the application to become ABANDONE!	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).			
Status						
1)⊠	Responsive to communication(s) filed on 16 Fe	ebruary 2006.				
2a)⊠	This action is FINAL . 2b) This action is non-final.					
3)	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.					
Dispositi	on of Claims					
4)⊠	• 4)⊠ Claim(s) <u>1-33 and 37-80</u> is/are pending in the application.					
	4a) Of the above claim(s) is/are withdrawn from consideration.					
5)🛛	5)⊠ Claim(s) <u>53-62</u> is/are allowed.					
6)⊠	6) Claim(s) <u>1-11,18,21,24,26,30-33,37-52,63,64,74,76 and 80</u> is/are rejected.					
	Claim(s) <u>12-17,19,20,22,23,25,27-29,65-73,75</u>					
8)□	Claim(s) are subject to restriction and/o	r election requirement.				
Applicati	on Papers					
9)□	The specification is objected to by the Examine	if.				
10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.						
	Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).					
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11)[11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.					
Priority u	ınder 35 U.S.C. § 119					
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).						
a) ☐ All b) ☐ Some * c) ☐ None of:						
	1. Certified copies of the priority documents have been received.					
	2. Certified copies of the priority documents have been received in Application No					
	3. Copies of the certified copies of the priority documents have been received in this National Stage					
application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.						
dec the attached detailed office action for a list of the certified copies not received.						
Attachmen						
	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948)	4) Interview Summary Paper No(s)/Mail Da				
3) Inform	mation Disclosure Statement(s) (PTO-1449 or PTO/SB/08) r No(s)/Mail Date		Patent Application (PTO-152)			

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Claim Rejections - 35 USC § 103

1. Claims 1-11,18,21,24,26,30-33,37-39,45-47,52,63,64,74,76,80 are rejected under 35 U.S.C. 103(a) as being unpatentable over King et al (2004/0210261).

Applicant has added the phrase "to a ratio analogous to that observed in a health [y] subject", to the independent claims. It is considered to have been obvious to the ordinarily skilled artisan to electrically modulate activity of the patient's autonomic activity, as set forth in King, to a degree that health is achieved in the subject. That is, the desired outcome of the patient's treatment is obviously that whereby the ratio of parasympathetic to sympathetic activity corresponds to a healthy subject.

2. Claims 40-44,48-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over King et al in view of Hill.

See previous office action.

Allowable Subject Matter

- 3. Claims 53-62 are allowed.
- 4. Claims 12-17,19,20,22,23,25,27-29,65-73,75,77-79 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott M. Getzow whose telephone number is (571) 272-4946. The examiner can normally be reached on M-F, 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela Sykes can be reached on (571) 272-4955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Scott M. Getzow Primary Examiner Art Unit 3762

SMG